

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS

In re:

Nicholas John Pawlak,

Debtor

Chapter 13
Case No. 24-10022

FINAL APPLICATION FOR COMPENSATION

NOW COMES David G. Baker, former attorney of record for the debtor in the above captioned matter applies for compensation and reimbursement of expenses in the total amount of \$6,284.71 for services provided to the debtor. In support of this application, I state as follows:

1. On January 6, 2024, (the "Petition Date"), Debtor filed a voluntary petition in this Court for relief pursuant to Chapter 13 of the Bankruptcy Code. The petition was prompted by the repossession by Santander of his motor vehicle.
2. The Court has jurisdiction over this motion pursuant to 28 U.S.C. § 157(b)(2). Venue in this District and this motion are proper pursuant to 28 U.S.C. §§ 1408 and 1409 since the debtor lives in this district. The statutory predicates for the relief requested herein include sections 330 and 331 of the Bankruptcy Code.
3. The time sheets attached reflect time actually spent by me in the various proceedings. I do not employ any secretaries, paralegals, or associates.
4. The expenses incurred are detailed on the attached pages, and relate to the cost of printing and postage for the initial plan and an amended plan.
5. The terms of my employment by the debtor are set forth in the Disclosure of Compensation. The debtor agreed to pay an hourly rate of \$375.00, plus reasonable expenses.
6. As this is a chapter 13 case, authorization of my employment was not required.
7. Attached is a time sheet that conforms to MLBR 2016-1.
8. I did not receive a retainer pre-petition, nor have I received any compensation post-petition.
9. However, the requested compensation does NOT include time spent on the automatic stay litigation because in reaching a settlement, I agreed to accept \$1,000 for that contested matter. Thus the fee stated in the original plan (document 23), \$3,500, was increased to \$4,500 in the amended plan (document 123). It seems clear from the docket entries concerning that matter that the agreed upon fee is reasonable.
10. As I have been suspended from practice, successor counsel has appeared and continues to represent the debtor.
11. By my signature below, I affirm that the transactions and costs stated in the time sheets were actually performed or incurred by me, as I do not employ any associates or paralegals.
12. A brief biography of the undersigned is attached.
13. The various components of the amount requested are itemized on the summary, attached.
14. It is respectfully suggested that the fees and expenses are reasonable and necessary in the circumstances of this case.
15. In assessing this application, the court considers the benefit to the debtor, not to the estate. In re Argento, 282 BR 108, 116 (Bankr. D. Mass. 2002). In the circumstances, it seems

apparent that the debtor has benefitted from the representation, especially as to the repossession issue.

WHEREFORE I respectfully request that the court approve and allow this application for compensation, and authorize the debtor to pay it through her chapter 13 plan when confirmed.

March 27, 2025

Respectfully submitted,

/s/ David G. Baker
David G. Baker, Esq. (BBO # 634889)
255 Massachusetts Avenue #614
Boston, MA 02115
617-340-3680

Certificate of Service

The undersigned states upon information and belief that the within motion and related exhibits were served upon the entities named below by the court's CM/ECF system on the date set forth above.

/s/ David G. Baker
David G. Baker

Carolyn Bankowski-13-12
13trustee@ch13boston.com

Gary W. Cruickshank on behalf of Debtor Mary E. Buscone
gwc@cruickshank-law.com, cruickshankgr87938@notify.bestcase.com

Michael B. Feinman on behalf of Creditor Ann Tracy Botelho
mbf@feinmanlaw.com, kmk@feinmanlaw.com

Richard King - B
USTPRegion01.BO.ECF@USDOJ.GOV

Thomas C. LaPorte on behalf of Creditor Ann Tracy Botelho
laportelawgroup@gmail.com

Richard T. Mulligan on behalf of Creditor Bank Of America, N.A.
Richard.mulligan@brockandscott.com, wbecf@brockandscott.com

Lawson Williams on behalf of Creditor Bank Of America, N.A.
attorney.lawson.williams@gmail.com, WBECF@brockandscott.com

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BRIEF BIOGRAPHY OF DEBTORS' COUNSEL

David G. Baker is a native of Little Rock, Arkansas. He received a Bachelor of Music degree from the University of Arkansas at Little Rock and the Master of Arts (Music Education) degree from New York University. While in school and after graduation, he worked primarily as a professional musician. In 1993, he decided to pursue a life-long interest in the law resulting, at least in part, from the fact that a grandparent was a court clerk in Arkansas. He was admitted to the Massachusetts School of Law at Andover ("MSL"), from which he graduated in 1996. He was appointed to MSL's Law Review in his third year as a result of a writing competition. He also served internships with adjunct faculty member Donald Sheldon and with Kathleen Dwyer (a former chapter 7 panel trustee), and was also employed by them for brief periods while in school. His instructor in bankruptcy was Jeffrey A. Kitaeff (dec.), a noted bankruptcy practitioner and former chapter 7 panel trustee.

Baker passed the Massachusetts bar examination on the first try in 1996, and was admitted to practice in Massachusetts state courts in December of that year. Admission to the federal District Court of Massachusetts and the First Circuit Court of Appeals followed shortly thereafter. His first employment after graduation was as Special Counsel to Richard Askenase, then standing chapter 13 trustee in Boston; he was the first person to hold that position – a position which later became a regular staff position. As Special Counsel, he regularly prepared court pleadings and memoranda for the trustee, and also appeared before the bankruptcy courts in Boston, Springfield and Providence, RI, and the Bankruptcy Appellate Panel, and also presided at meetings of creditors. In 1999, he began working as a solo practitioner, based in Boston, and continues to do so, except that he was recently suspended from practice for reasons not related to this case.

He is a member of the Boston and Massachusetts Bar Associations, the American Bankruptcy Institute ("ABI") and the National Association of Consumer Bankruptcy Attorneys ("NACBA"). He has participated in presenting seminars for the Boston Bar Association, ABI and NACBA, as well as Massachusetts Continuing Legal Education. He has served as State Membership Co-Chair of NACBA in Massachusetts (the position is no longer active). For the Massachusetts Bar Association, he has sat as a judge for the High School Mock Trials.

In 2006, Baker was admitted to the United States Supreme Court in connection with a petition for certiorari he filed on behalf of his client in Marrama v. Citizens Bank of Massachusetts, et al. The petition was granted, and on November 6, 2006, he argued the case before all nine justices, becoming (upon information and belief) the first graduate of Massachusetts School of Law to argue before the Supreme Court, and the first bankruptcy practitioner in Massachusetts in about 20 years to argue. Although the Supreme Court affirmed the decision against his client, the sharply divided 5 to 4 decision seems to be considered to be an exceptionally good result on difficult facts. See 134 S.Ct. 1188 (2014).

A second case of his, Bullard v. Blue Hills Bank, was accepted for review by the Supreme Court, although the case was argued by another attorney on a *pro bono* basis. See 135 S.Ct. 1686 (2015).

In its December, 2021 and 2022, issues, Boston magazine recognized Baker as a “Top Lawyer” in Boston in the bankruptcy area. The recognition was based on nominations by peers, which were reviewed by an advisory board of select lawyers; choices were based on credentials and the number of votes received.

Baker’s practice is almost exclusively bankruptcy cases, with an emphasis on consumer protection and mortgage foreclosure/predatory lending defense. Unfortunately, he was recently suspended from practice for reasons not related to this case, so he is temporarily inactive. He also maintains an active part-time schedule as a professional musician.

INVOICE

From **Law Office of David G. Baker**
255 Massachusetts Avenue #614
Boston, MA 02115

Invoice ID **47**
Issue Date **03/27/2025**
Due Date **10/27/2025**

Invoice For **Nicholas J. Pawlak**

Item Type	Description	Quantity	Unit Price	Amount
Service	[24-10022] Chapter 13 case - 01/06/2024 - Prepare Document / David Baker: Office meeting with client to prepare and file emergency skeleton petition due to repossession of motor vehicle.	2.50	\$375.00	\$937.50
Service	[24-10022] Chapter 13 case - 01/10/2024 - Review Document / David Baker: Review order to update	0.10	\$375.00	\$37.50
Service	[24-10022] Chapter 13 case - 01/10/2024 - Review Document / David Baker: Review MDOR notice of unfiled returns; email to client about the notice	0.20	\$375.00	\$75.00
Service	[24-10022] Chapter 13 case - 01/19/2024 - Prepare Document / David Baker: Prepare & file notice of change of address for National Grid.	0.20	\$375.00	\$75.00
Service	[24-10022] Chapter 13 case - 01/21/2024 - Prepare Document / David Baker: Prepare and file motion for extension of time.	0.10	\$375.00	\$37.50
Service	[24-10022] Chapter 13 case - 01/23/2024 - Prepare Document / David Baker: Prepare & file notice of change of address for Sallie Mae.	0.20	\$375.00	\$75.00
Service	[24-10022] Chapter 13 case - 01/23/2024 - Prepare Document / David Baker: Prepare & file motion for further extension of time.	0.20	\$375.00	\$75.00
Service	[24-10022] Chapter 13 case - 02/11/2024 - Prepare Document / David Baker: Office meeting with client to prepare and file schedules and related documents.	1.50	\$375.00	\$562.50
Service	[24-10022] Chapter 13 case - 02/14/2024 - Prepare Document / David Baker: Office meeting to prepare and file remaining documents.	1.50	\$375.00	\$562.50
Service	[24-10022] Chapter 13 case - 02/16/2024 - Review Document / David Baker: Review trustee's objection to confirmation.	0.40	\$375.00	\$150.00
Service	[24-10022] Chapter 13 case - 02/21/2024 - Prepare Document / David Baker: Obtain and file certificate of service for the plan.	0.20	\$375.00	\$75.00
Service	[24-10022] Chapter 13 case - 02/23/2024 - Court Appearance / David Baker: Review order to file certificate of service for plan.	0.20	\$375.00	\$75.00
Service	[24-10022] Chapter 13 case - 02/23/2024 - Review Document / David Baker: Review order to file insurance re motor vehicles; email to client for evidence of insurance.	0.20	\$375.00	\$75.00

Service	[24-10022] Chapter 13 case - 03/03/2024 - Prepare Document / David Baker: File evidence of motor vehicle insurance.	0.20	\$375.00	\$75.00
Service	[24-10022] Chapter 13 case - 03/11/2024 - Review Document / David Baker: Review order sustaining trustee's objection to confirmation.	0.10	\$375.00	\$37.50
Service	[24-10022] Chapter 13 case - 03/27/2024 - Review Document / David Baker: Review trustee's motion to dismiss (1 month arrears)	0.10	\$375.00	\$37.50
Service	[24-10022] Chapter 13 case - 04/09/2024 - Prepare Document / David Baker: email with client; Prepare and file objection to trustee's motion.	0.30	\$375.00	\$112.50
Service	[24-10022] Chapter 13 case - 04/10/2024 - Review Document / David Baker: Review interim order on motiin to dismiss.	0.20	\$375.00	\$75.00
Service	[24-10022] Chapter 13 case - 04/10/2024 - Prepare Document / David Baker: Email with client; prepare & file motion for extension of time to file plan.	0.30	\$375.00	\$112.50
Service	[24-10022] Chapter 13 case - 04/21/2024 - Prepare Document / David Baker: Prepare & file motion for further extension of time to file plan, due to computer problems.	0.10	\$375.00	\$37.50
Service	[24-10022] Chapter 13 case - 04/21/2024 - Prepare Document / David Baker: Emails with client; prepare and file motion for further extension of time to file amended plan.	0.30	\$375.00	\$112.50
Service	[24-10022] Chapter 13 case - 04/25/2024 - Prepare Document / David Baker: Email with client concerning amended plan; prepare and file same.	0.80	\$375.00	\$300.00
Service	[24-10022] Chapter 13 case - 04/26/2024 - Review Document / David Baker: Review trustee's objection to confirmation.	0.20	\$375.00	\$75.00
Service	[24-10022] Chapter 13 case - 05/28/2024 - Review Document / David Baker: Review trustee's affidavit of non-compliance.	0.20	\$375.00	\$75.00
Service	[24-10022] Chapter 13 case - 05/28/2024 - Review Document / David Baker: Review court order on trustee's affidavit; notify client.	0.20	\$375.00	\$75.00
Service	[24-10022] Chapter 13 case - 08/07/2024 - Prepare Document / David Baker: Email with trustee's office re motion to dismiss; prepare and file motion for approval of agreed order.	0.40	\$375.00	\$150.00
Service	[24-10022] Chapter 13 case - 08/09/2024 - Review Document / David Baker: Review order on trustee's objection to confirmation.	0.10	\$375.00	\$37.50
Service	[24-10022] Chapter 13 case - 08/10/2024 - Prepare Document / David Baker: Prepare & file notice of change of address for Nelnet.	0.10	\$375.00	\$37.50
Service	[24-10022] Chapter 13 case - 09/25/2024 - Prepare Document / David Baker: Prepare and file further amended plan (computer problems caused delay).	0.80	\$375.00	\$300.00
Service	[24-10022] Chapter 13 case - 09/25/2024 - Prepare Document / David Baker: Office meeting with client to prepare and file amended plan.	0.80	\$375.00	\$300.00
Service	[24-10022] Chapter 13 case - 10/09/2024 - Review Document / David Baker: Review trustee's objection to confirmation; needs amended schedule J.	0.10	\$375.00	\$37.50

Service	[24-10022] Chapter 13 case - 10/28/2024 - Review Document / David Baker: Review notice of appearance for Santander (car loan) and Santander's objection to confirmation (can't do cram down).	0.30	\$375.00	\$112.50
Service	[24-10022] Chapter 13 case - 11/05/2024 - General Case Administration / David Baker: Review notice of hearing on Santander objection to confirmation.	0.10	\$375.00	\$37.50
Service	[24-10022] Chapter 13 case - 11/18/2024 - Review Document / David Baker: Review order on objections to confirmation and to file plan or else...	0.20	\$375.00	\$75.00
Service	[24-10022] Chapter 13 case - 11/18/2024 - Review Document / David Baker: Meet with client to review paystubs and amend budget schedules and plan.	1.20	\$375.00	\$450.00
Service	[24-10022] Chapter 13 case - 11/22/2024 - Review Document / David Baker: Review Santander objection to confirmation (wants "lien retention" language in plan).	0.20	\$375.00	\$75.00
Service	[24-10022] Chapter 13 case - 11/22/2024 - Prepare Document / David Baker: Prepare and file response to Santander objection to confirmation.	0.20	\$375.00	\$75.00
Service	[24-10022] Chapter 13 case - 12/06/2024 - General Case Administration / David Baker: Review notice of non-evidentiary hearing on Santander's objection.	0.10	\$375.00	\$37.50
Service	[24-10022] Chapter 13 case - 01/02/2025 - Review Document / David Baker: Review trustee's affidavit of non-compliance; email to client	0.30	\$375.00	\$112.50
Service	[24-10022] Chapter 13 case - 01/02/2025 - Review Document / David Baker: Review court order on trustee's affidavit; email to client.	0.20	\$375.00	\$75.00
Service	[24-10022] Chapter 13 case - 01/14/2025 - Prepare Document / David Baker: Prepare and file response to court's order.	0.30	\$375.00	\$112.50
Service	[24-10022] Chapter 13 case - 02/15/2025 - Prepare Document / David Baker: Prepare & file motion for leave to withdraw appearance (and corrections).	0.10	\$375.00	\$37.50
Service	[24-10022] Chapter 13 case - 02/24/2025 - General Case Administration / David Baker: Telephone conference with Santander's lawyer.	0.20	\$375.00	\$75.00
Service	[24-10022] Chapter 13 case - 03/26/2025 - Review Document / David Baker: Review appearance of C. Ravosa for Pawlak	0.10	\$375.00	\$37.50

Amount Due	\$6,112.50
Expenses (see attached):	<u>172.21</u>
Grand Total:	\$6,284.71



Attorney Services, LLC
d/b/a CertificateofService.com
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DATE GENERATED: 3/26/2025

REPORT FOR:
CLIENT NUMBER: 634889
Law Office
255 Massachusetts Avenue #614
BOSTON , MA 02115

#	Track Number	Case Number	Debtor Name	Mailing Date	Print Cost	Postage Cost	Total:
1	7332247677	24-10022-CJP	NICHOLAS PAWLAK	2/20/2024	\$47.43	\$19.84	\$67.27 ^
2	7332309037	24-10022	NICHOLAS PAWLAK	11/19/2024	\$72.93	\$32.01	\$104.94 *

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^ original plan
*amended plan & motion